

JUDGE PARDEE'S LETTER ON THE SWAYNE MATTER

FULL TEXT OF DOCUMENT THAT
CAUSED SUCH A BIG STIR
WHEN READ IN HOUSE OF REP-
RESENTATIVES.

Following is the full text of the letter sent by Judge Don Pardee to Representative Grosvenor relative to the Swayne impeachment proceedings: (Personal and Confidential.) United States Circuit Court of Appeals, Fifth Circuit, New Orleans, La., March 24, 1904.

Dear Sir—I feel called to write you a personal letter in regard to the proceedings now pending in the House of Representatives to impeach Judge Charles Swayne, of the Northern District of Florida. I was very much surprised to learn through the papers that the judiciary committee of the house had voted, six democrats and two republicans, to present articles of impeachment against Judge Swayne. As I have known Swayne personally, and have known many of the court proceedings in his district since he was appointed judge, I want to present my view of his case to you, Judge Swayne, born in Delaware, settled in Florida about 1880, and entered upon the practice of the law. On the death of Judge Settle there was a protracted contest for the appointment of his successor, which resulted in throwing over all the more prominent candidates and the selection of Judge Swayne. This was in the early days of the Harrison administration, and following an election in Florida in which it was generally reported and currently believed there had been the grossest sort of election frauds perpetrated against the republicans.

The first time I met Judge Swayne after his appointment he told me that the president and the attorney general were very much concerned to have the laws of the United States vindicated in the state of Florida, and that the parties who were charged with committing the election outrages should be prosecuted, and particularly that the attorney general had impressed upon him the great importance of providing early terms of court with a

view that those cases could be taken up. Immediately following this, a great many prosecutions were instituted, indictments found, etc., to bring about the trial and conviction of parties charged with violating the election laws. The election frauds had been so numerous and so many people were involved therein that these prosecutions engendered an intense feeling against the judge and all the officers of the court; particularly was the judge singled out as the prime mover. The feeling was so intense that I know, from information received at the time, that Judge Swayne's friends regarded it as extremely hazardous for him to travel about his district. On one occasion on which I went to Pensacola to sit in the circuit court I found that Judge Swayne had not arrived on time, but, through the agency of his friends, had traveled up through Georgia in a roundabout course to come to Pensacola to avoid traveling on the direct road, where it was feared he would be insulted, if not worse treated. Anyhow, the matter resulted in Judge Swayne from that time on being persona non grata with the democrats in Florida; and I think that those political troubles, accompanied by a certain lack of tact in dealing with hostile lawyers, is the true cause of Judge Swayne's present difficulties. Following this unpopular position Judge Swayne's district was changed, largely for the purpose of punishing him. The change of the district resulted in his being, as it were, legislated out of his district. He had established a residence in St. Augustine and was there living with his family, consisting of a wife and four or five children. After his district was changed, in order to comply with the alleged spirit of section 551 of the revised statutes, it became necessary for him to dispose of his residence in St. Augustine and acquire and move to a residence in the western part of the state. In this respect, I am informed that he at once declared a residence and domicile in the western part of the state, and followed that up with more or less activity by acquiring a house and other things, all taking four or five years. I understand that non-residence in the district, as changed by law, is the main ground of his proposed impeachment. Section 551 reads as follows:

"A district judge shall be appointed for each district, except in the cases hereinafter provided. Every judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor."

There is no doubt that Judge Swayne resided in the district for which he was appointed, and, under the circumstances, I think it would be an extraordinary hardship on Judge Swayne to hold him to a very rigid compliance with the alleged spirit of section 551 by removing his residence, when congress saw fit, as a matter of punishment, to change the limits of the district for which he was appointed. Exactly what proof he will be able to make upon this line I am not fully advised, but being satisfied, as I am, that the original motive of the prosecution is based on political grounds, and that his district limits were changed to his prejudice, I do not think that a republican house should vote impeachment against him. About the time also that the district was changed a partisan legislature in the state of Florida passed resolutions calling for Judge Swayne's impeachment on the ground of absence from his district, incompetence and partisanship. It is practically these resolutions, passed about ten years ago, that now re-enacted by the legislature of the state of Florida, as, I understand, considered as evidence against Judge Swayne by the house committee.

When Judge Swayne's district was changed, it left him only the business at Pensacola and Tallahassee; it was very little and gave him a good deal of spare time, resulting in his being called to other parts of the circuit more frequently, perhaps, than any other judge. During every business season Judge Swayne has been called to hold court in other parts of the circuit, Alabama, Louisiana, Texas, and in the circuit court of Appeals, and the performance of this duty, in accordance with the laws of the United States, has resulted in his being a good deal absent from his district, and much of the absence complained of by the legislature of the state and by interested parties can be explained on this ground. The difficulties resulting from the trial and conviction of one O'Neal, who is charged with contempt of court for having assaulted and dangerously wounded a trustee in bankruptcy (see O'Neal vs. United States 190 United States, 36), intensified feeling against Judge Swayne, and at the time great complaint was made that Judge Swayne was out of his district, while then he was holding court in Texas on my designation, at the suggestion of the attorney general, and was engaged in trying some very important national bank cases in which the local judge was excused.

I have been thrown a good deal with Judge Swayne in the trial of cases, and I think the charge of incompetency is an outrage. He has a good legal mind and is instructed in law, and I am satisfied he is fully as competent as the average United States judge. One particular charge I notice made against him is that in nearly all the appeals from his decisions to the circuit court of Appeals he has been reversed—only affirmed in about 25 per cent. I have had some examination made of the records of this court of Appeals, and I find that out of sixty-eight cases appealed from Judge Swayne's decisions, twenty-eight were reversed and the balance affirmed—in other words, about 41 per cent. of reversals. Considering that only involved and difficult cases, as a rule, carried up on error or by appeal, this showing should be very satisfactory to Judge Swayne and his friends. But such a test is wholly fictitious, for only difficult and involved cases are appealed, and they constitute only a small percentage of

LAST WEEK'S PICTURES

(Continued from Ninth Page.)

man replied: "The Journal is a good paper."

Pensacola, Fla., Jan. 17, 1905.

1. Marconi, an Italian electrician; he discovered a practical system of telegraphing without wires.
2. Edison, started life as a newsboy; made important inventions in telegraphy, electric lighting, etc. Also invented the phonograph.
3. Watt, inventor of the steam engine.
4. Whitney, American inventor; invented the cotton gin.
5. Geo. Stevenson, English, inventor of the locomotive. In 1814 constructed a locomotive which drew light cars; invented the steam blast pipe, and greatly improved the railroad, finally built an engine running 35 miles an hour.
6. Robert Stevenson, English, inventor of the tubular bridge.
7. Bell, American inventor; inventor of the telephone.
8. Franklin, American statesman and philosopher; discovered identity of lightning and electric fluid.
9. Newton, English mathematician and philosopher. His great work, "The Principia," appeared in 1687. In this he shows that every particle of matter is attracted by every other particle with a force inversely proportional to the squares of the distances.
10. Morse, American inventor of telegraph.
11. Howe, American inventor of sewing machine.

KATIE LEE BRYARS,
1321 North Davis.

My answer—Invented.

1. Marconi.—Wireless telegraphy.
2. Edison.—Phonograph.
3. Watt.—Steam engine.
4. Wheatstone.—Telegraph instrument.
5. Stevenson.—Locomotive.
6. Bell.—Telephone.
7. Franklin.—Discovered electricity.
8. Newton.—Telescope.
9. Morse.—Telegraph alphabet.
10. Sewing machine.

DAN WALLSER,
240 W. Garden St.

Discovered—

1. Marconi.—Wireless telegraphy.
2. Edison.—The way to use electricity.
3. Watts.—Machinery.
4. Fulton.—The first steamboat.
5. Stevenson.—The first locomotive.
6. Bell.—Telephone.
7. Franklin.—Drew electricity from clouds.
8. Newton.—The power of steam.
9. Morse.—Telegraph.
10. Howe.—Sewing machine.

ALVIN DANNEHEISSER,
P. O. Box 301, Pensacola, Fla.

Now, reading the above, can any intelligent person fail to understand why the puzzle department is justly considered a highly educational feature of The Journal? No wonder The Journal is proud of its splendid puzzle army, and of every puzzler in it, who tries, whether they get all o. k. or not.

Spartanburg, S. C., Jan. 17, 1905.

Dear Mr. Mayes—I received the check for \$1, and thank you very much. Would have written sooner but have been sick, so will do so now, and hope to send another correct guess. Your truly,

JULIA HAGOOD,
Pensacola, Fla., Jan. 12, 1905.

Dear Puzzle Editor:—I enclose some of the engraved noteheads you complimented so nicely last week, and thank you for the compliment. My brother, Byrl, and I printed them. I run the press and Byrl attended to the inking. We are learning to be printers and we are glad to get such nice compliments on our work. We have always worked out the puzzles ever since the Journal started to publish them just for the fun of it, but we nearly always neglect to send them in. Yours truly,

HERMAN BLISS,
The above, typewritten on the letter head of "The Bliss Company, printers, engravers, embossers," with a view of "Pensacola harbor, the Nation's Gateway to Panama," with a thick forest of masts in the background, enclosed a quire of the beautiful noteheads referred to. Thanks, young gentlemen. I shall write on your paper with pleasure and send it with the "biography of the printers," where it will certainly be appreciated.

the decisions actually rendered by a judge of a court of first instance.

I have written this long letter because I really feel without the political prejudices against Judge Swayne there would be no impeachment, and that in justice to a southern judge, who was a republican before he was appointed, and who was appointed because he was a republican, as there are no republican congressmen from the south, some of the northern brethren ought to look carefully into the case and be sure that an impeachment ought to be voted before putting a judge to the disgrace of an impeachment, consequent expenses, trial, and tribulation to himself and family resulting therefrom.

You are the only congressman I know well enough to write this letter to. I hope, under the many pressing duties and engagements which you have, you will find time to look into the real merits, if there are any, in Judge Swayne's case. With continued best wishes, very truly yours,

DON A. PARDEE.

Cured Lumbago.

A. B. Canman, Chicago, writes March 4, 1903: "Having been troubled with lumbago at different times and tried one physician after another; then different ointments and liniments, gave it up altogether. So I tried once more, and got a bottle of Ballard's Snow Liniment, which gave me almost instant relief. I can cheerfully recommend it, and will add my name to your list of former sufferers." Sold by all druggists.

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We Have What we Advertise and Sell as Advertised.
All Guaranteed Unmatchable Values.

Ladies' Jackets.

Ladies' nicely trimmed Melton Jackets, all colors, worth \$4.00, at... \$2.98

Ladies' Kersey Jackets, Velvet trimmed, worth \$5, at... \$3.98

Tourists' Coats, latest styles, Kerseys and Mixtures, \$4.98 up.

Children's Short and Long Coats, from 75c up.

Ladies' Shirt Waists.

Ladies' Flannelette Shirt Waists, sold elsewhere for 50c, my price... \$39

Ladies' All-Wool Tricot Waists, regular \$1.25 value, at... \$88

300 nicely trimmed and embroidered Flannelette Waists, special... \$1.48

400 Ladies' White Mohair, extra value, at... \$3.00

New lines of Ladies' Walking Skirts, 98c up.

Domestics.

Fitchville Bleached Domestic 36 inch Wide, per yard... 7½

Lonsdale Bleached Domestic, 36 inches Wide, per yard... 8½

On Sale From Today.
F. E. BRAWNER,
103-105 South Palafox St.

Domestics, Homespun, Etc.

(Continued.)

Pepperall Bleached Sheet-ing, 2 1/2 Yards Wide, per yard... 22½

Pepperall Unbleached Sheet-ing 2 1/2 Yards Wide, per yard... 20

Double Width American Percale, Neat Designs, per yard... 7½

Simpson Gray and Black Calicoes, per yard... 65

Pabbon and Domino Check Gingham, War-ranted Fast Colors, per yard... 65

28-Inch All Wool Hom-spun and Ziberlins, per yard... 38

59-Inch All Wool Flannels, All Colors, per yard... 50

52-Inch All Wool Ladies Cloth, per yard... 85

Blankets and Comforts.

\$1.25 and \$1.50 Blankets and Comforts at... 98

200 Blankets and Comforts at... \$1.48

One lot Blankets, worth up to \$6.50, your choice at... \$4.98

One lot Comforts, worth up to \$3.50, your choice at... \$2.98

Men's Furnishings.

Men's Blue Flannel Shirts, \$1.50 value, for \$1.25

Men's Blue Flannel Shirts, \$1.50 value, for \$1.25

Men's Heavy Jersey Shirts, 75c value, for... 49

Men's Fleece-Lined Underwear, the 50c kind, for... 38

Men's All-Wool Underwear, several colors, \$1.25 values, for... 88

Fine Jersey Ribbed Underwear, regular 75c value, at... 50

Fine line of Men's Dress Gloves in plain and undressed Kids and Calf, unlined and silk lined; every pair will be sold at the manufacturer's price, ranging from 50c to... \$1.50

Men's Furnishings

(Continued.)

300 Men's Sample Caps, great variety of styles and colors, regular 25c goods, at... 19

Full line "Towers' Fish Brand" Overalls and Coats at \$1.25 and \$1.50

The largest and most complete line of Boys' Knee Pants in the city, 4 to 17 years, at 25, 38, 50 and... 75

"Buster Brown" Suits in a number of patterns.

Big line Men's Suspenders, regular 25c seller, for... 12

Big line Men's Fancy Half Hose, regular 25c sellers, at... 12

Sweaters.

Children's All-Wool Sweaters at... 50

Men's All-Wool Sweaters, \$1.25 value, at... 38

Men's All-Wool Sweaters, regular \$2 value, at... \$1.50

Men's Heavy Fancy Style Sweaters at... 50

MORPHINE HABIT AND DRUNKENNESS CURED AT HOME

The only absolutely safe, painless and perfect home cure in the world.

We positively guarantee to cure any case of morphine, cocaine or other drug habit or the liquor habit (drunkenness) in 10 to 15 days. Unless a satisfactory cure is effected, it will not cost you one cent.

A positive, permanent cure taken at home without the least sickness, pain or detention from daily duties. Write for FREE booklets to the Lanoir Cure Co., 62 Forest Ave., Kansas City, Mo.

A Stylish Man Can Appreciate The Way We Do Up a Shirt.

There's a whole lot of little difference between our way and other people's way, which is the reason why our laundry work is so popular.

Star Steam Laundry,

10 E. Garden St. Phone 114.
Pensacola, Fla.

HELLO, 385

Send you a nice, juicy steak or roast, promptly? All right, madam. Oh, yes! The price will suit you, too. We also have all kind of the best

Meats,

FISH AND VEGETABLES.
West End Market,
BELMONT AND DEVILLIERS.

KILL THE COUGH AND CURE THE LUNGS

WITH **Dr. King's New Discovery**

FOR CONSUMPTION, COUGHS and COLDS

Price 50c & \$1.00 Free Trial.

Swiftest and Quickest Cure for all BRONCHITIS and LUNG TROUBLES, or MONEY BACK.

A WHOLESALE AFFILIATION MAKES THESE PRICES POSSIBLE.

No 5603.
Report of the Condition of the
American National Bank
at Pensacola,
IN THE STATE OF FLORIDA, AT
THE CLOSE OF BUSINESS
JANUARY 11, 1905.

Resources.

Loans and discounts	\$ 867,401.72
Overdrafts, secured	5,503.42
U. S. bonds to secure circulation	150,000.00
U. S. bonds to secure U. S. deposits	75,000.00
Premiums on U. S. bonds	14,000.00
Furniture and fixtures	8,500.00
Other real estate owned	1,000.00
Due from National Banks (not reserved)	\$2,001.63
Due from State banks and bankers	41,427.61
Due from approved reserve agents	77,758.78
Checks and other cash items	15,738.11
Exchanges for clearing house	1,100.40
Notes of other National banks	5,500.00
Fractional paper currency	474.33
LAWSON MOVING SERVICE IN E. K. VIZ: Special... \$59,286.07	
Legal fees	2,500.00
Redemption fund with U. S. Treasurer (5% of circulation)	61,789.07
Total	\$1,864,865.02

Liabilities.

Capital stock paid in	\$ 200,000.00
Surplus fund	40,000.00
Undivided profits, less expenses and taxes paid	140.34
National bank notes outstanding	150,000.00
Due to State banks and bankers	\$122,672.78
Due to trust companies and savings banks	68,401.56
Dividends unpaid	26,832.35
Individual deposits subject to check	573.00
Time certificates of deposit	491,729.54
Cashier's checks outstanding	97,309.05
Standing bank deposits	2,758.60
United States deposits	28,004.40
Deposits of U. S. disbursing officers	35,925.65
Notes and bills rediscounted	87,724.78
Total	\$1,864,865.02

STATE OF FLORIDA, ss
I, M. E. Clark, cashier of the above-named bank, do solemnly swear that the above statement is true to the best of my knowledge and belief.

M. E. CLARK,
Cashier.

Subscribed and sworn to before me this 15th day of January, 1905.

J. K. PREIFFER, Notary Public.

Correct—A test.

C. W. LAMAR,
H. L. COVINGTON, } Directors.
OSCAR E. MAURA, }

Lincoln's Opinion of Marriage.

Abraham Lincoln once remarked that every man about to marry should stand over a doctor with a club and make him tell the truth in reference to the chosen partner for life if there was no other way of getting it out of him. Also that the parents who would allow a girl to marry a man without knowing, as nearly as could be known, his physical as well as his moral condition deserved to be scalped.

"The whole marrying business is wrong," said Mr. Lincoln. "Fashionable girls have too often foolish mothers, who care for nothing but to sell their flesh and blood to the highest bidder."

Dear Mrs. Malaprop.

There is generally somebody—a lady as a rule—in each district on whom its finest Malaprops are fastened, sometimes quite unfairly. It is she who is reported to have made that speech about the glories of her father's house, up to the door of which there ran a "revenue of popular trees;" she who asked her daughter to play that little "malady" she had learned at the "cemetery" and she again who pronounced Mr. Brown as "proud as Luther," while the tuft hunting Mr. Smith was such a "toby" he deserved to be "tattooed" at his club. Dear Mrs. Malaprop, what should we do without her?

—London Globe.

Pabst Blue Ribbon Bottle Beer

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Wholesale Distributer.
Leader in Imported Wines and Liquors.
PHONE 179.
No. 331 SOUTH PALAFOX ST.
PENSACOLA, FLA.

You should read The Journal's want column this morning.

St. Petersburg Bakers.

In St. Petersburg nearly everybody lives in a flat, and in the basements of these flat buildings are shops. If you live at the top of a flat building you go down an endless stone staircase—elevators are as yet almost unknown—out of the double doors into the street, and at your feet in the basement behold a shop. Say you enter it, in nine cases out of ten you will find yourself in a provision shop, probably a baker's—a German baker's. But, although there are many German baker's shops, there are also dozens of itinerant Russian bread sellers, who carry about on their heads in baskets and trays their wares—large flat cakes, the size of a pudding plate, that often form a day's sustenance for the moujik, costing 10 kopecks (about 6 cents) and requiring ten sets of teeth to get through them. These men do a brisk trade. Before the peasant makes his dinner off the frozen cake you may see him stowing it away in the breast of his koftan, where it undergoes the process of a gentle thaw.

Miss Milliner's Twins.

Sometimes, but not often, the "exclusive" New York milliner is caught napping. One of the smartest of these on Fifth avenue not long ago sold a hat to one of her customers who lived in the western part of New York. The milliner declared the hat could not be duplicated in this country; that she had brought it over from Paris and would not make another like it for any price.

The woman bought the hat on those conditions, for she had a weakness for individual things. She has a sister who lives in Boston and who also patronizes the same shop, though the relationship is not known to the milliner. The other day the two women met in this city, and the first thing they did was to stare at each other's hat.

The shopkeeper had duplicated the "exclusive" model for the Boston woman—New York Press.

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—London Globe.

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LIKE TO
Fix Up Your Sidewalk

or build a new one in front of your home before the city council takes it up? See how little it will cost you:
SIDEWALK LUMBER, \$8.

Let us make prices on any building material needed.

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Pensacola, Phone 717. Florida.

**THE FIRST
OF THE YEAR**

Is the time for forming good resolutions, and there is none that a man can make with more credit to himself than to resolve to be well dressed. No man can be well dressed whose clothing doesn't fit him. Resolve to go to an artistic tailor like J. Mendel and you will get satisfaction, as well as style, fit and hang with your garments.

J. Mendel
28 E. Government Street

**A. L. RETTINGER,
Veterinary Surgeon**
Office, 31 East Garden Street.
Phone 710.
Calls in city or country promptly answered

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Sunday Meat To-day
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The Blue Front Store.
Z. A. Thomas, Prop.

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GROCERIES and FEEDSTUFFS.**

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